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REJECTED

10 Attorneys for Respondent

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **TONY MABRY,**

Petitioner,

16 v.

17 **L.E. SCRIBNER, WARDEN, ET AL.,**

Respondent.

08-CV-0965 BEN (LSP)

**RESPONDENT'S NOTICE OF
MOTION AND MOTION TO
DISMISS; SUPPORTING
MEMORANDUM OF POINTS
AND AUTHORITIES**

Judge: The Honorable Leo S.
Papas

20 **TO TONY MABRY, IN PRO PER:**

21 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. § 2254 and Rule 4 of the Rules
22 Governing § 2254 cases in the United States District Courts, Respondent moves the Court for an
23 order dismissing the above-entitled action on the ground that: (1) Petitioner did not exhaust his state
24 court remedies; (2) Petitioner filed an untimely Petition beyond the one-year statute of limitations;
25 and (3) the Petition is unsupported by sufficient facts, is vague, conclusory, and unintelligible. This
26 motion is based on the notice and motion; the supporting memorandum of points and authorities and
27 exhibits; and the pleadings, records, and files in this action.

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